



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of

MEETING DATE October 2, 2015 EFFECTIVE DATE October 16, 2015	CONTACT/PHONE Schani Siong (805) 781-4374 ssiong@co.slo.ca.us	APPLICANT Fred Johannesson	FILE NO. DRC2014-00148
SUBJECT A request by FRED JOHANNESSEN for a Minor Use Permit (DRC2014-00148) to modify the 50 foot maximum distance standard for a secondary dwelling to the primary residence pursuant to County Land Use Ordinance Section 22.30.470(F). Due to existing improvements on site, the approximately 800 square foot secondary dwelling will be located 110 feet from the primary single family residence on a 1.24 acre parcel. The proposed project is within the Residential Suburban land use category and is located at 804 Pomeroy Road, approximately 1.3 miles southwest from Highway 101 and Willow Road interchange, in the community of Nipomo. The site is in the South County Inland Sub Area of the South County planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00148 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on July 20, 2015.			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091-292-047	SUPERVISOR DISTRICT(S): 4
PLANNING AREA STANDARDS: South County Area Plan- Edge of Nipomo Mesa, Nipomo Mesa Water Conservation Area <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Section 22.06.030 – Table 2-2 Allowable Land Uses and Permit Requirements Section 22.10.060 – Exterior Lighting Section 22.10.090 (C) – Height Limits Section 22.10.130 – Residential Density Section 22.10.140 – Setbacks Section 22.30.470 – Residential Secondary Dwelling <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on October 2, 2015, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single Family Residence and Detached Garage with Office			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Suburban/Single Family Residence South: Residential Suburban/Single Family Residence East: Residential Suburban/Single Family Residence West: Residential Suburban/Single Family Residence			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Public Works, Cal Fire, Nipomo Community Services District, South County Advisory Council

TOPOGRAPHY:

Gentle to moderately sloping

VEGETATION:

Oaks, ornamental landscaping

PROPOSED SERVICES:

Water supply: Community system

Sewage Disposal: Individual septic system

Fire Protection: Cal Fire

ACCEPTANCE DATE:

June 25, 2015

DISCUSSION

The project is located at 804 Pomeroy Road in Nipomo. The parcel is approximately 1.24 acres and surrounded by parcels designated Residential Suburban with single family residences. The proposed project would convert an existing 800 square-foot detached garage, located 110 feet from the primary residence, into a secondary dwelling. A minor use permit is necessary to modify the maximum 50 foot separation requirement between the primary and secondary units. The existing garage and office was permitted and built in 2012 within 50 feet of PG&E utility and well easements, a septic pit, mature oak trees, an existing driveway, and ornamental landscaping. Due to the existing building configuration, surrounding improvements and easements, locating the secondary dwelling unit within 50 feet, as required by Section 22.30.470 will require additional grading and site disturbance to the site.

PLANNING AREA STANDARDS

Edge of the Nipomo Mesa

Standards for projects requiring Minor Use or Conditional Use Permit and land division approval. Minor Use Permit, Conditional Use Permit and new land division applications shall include proposals to address drainage requirements, erosion concerns and septic effluent issues.

Staff Response: The existing garage proposed to be converted into the secondary dwelling, has a separate septic system from the primary house. The septic tank is located directly south of the garage and an existing drainage basin is located south of the garage near the property line.

Nipomo Mesa Water Conservation Area

Building Permits. Building permits issued for construction in the Nipomo Mesa Water Conservation Area shall comply with Section 19.07.042.

Staff Response: The proposed project complies with this standard because this structure was permitted with a bathroom in 2012. A Nipomo Community Service District letter May 20, 2015 was submitted for the proposed remodel of the secondary dwelling.

Landscape Standards. The standards in Chapter 22.16 apply to the following projects within the Nipomo Mesa Water Conservation Area (NMWCA). Only exceptions, as set forth in Subsection 22.16.020.B.2, 4, 6, and 7, are allowed within this area:

d. Turf area limits.

2. All other projects: The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area. In all cases, the site's total irrigated landscape area shall be limited to 1,500 square feet. The review authority may approve exceptions to this requirement in order to allow the minimum amount of irrigated landscaped

or turf area needed for schools, parks and other uses that typically require larger irrigated landscape areas when the applicant can demonstrate the need for the additional irrigated landscaped area based on the characteristics of the use and the site.

Staff Response: The proposed project is conditioned to meet this standard. At the time of construction permit application, the applicant shall provide details on any proposed landscaping to the property, if applicable.

LAND USE ORDINANCE STANDARDS

Section 22.06.030 – Table 2-2 Allowable Land Uses and Permit Requirements

Residential secondary dwellings are allowed under Section 22.06.030 of the Land Use Ordinance on properties within the Residential Rural land use category.

Staff Response: The proposed development complies with this standard because it is an allowed use in the Residential Suburban land use category.

Section 22.10.060 – Exterior Lighting

- A. *Illumination only.* Outdoor lighting shall be used for the purpose of illumination only, and shall not be designed for or used as an advertising display.
- B. *Light directed onto lot.* Light sources shall be designed and adjusted to direct light away from any road or street, and away from any dwelling outside the ownership of the applicant.
- C. *Minimization of light intensity.* No light or glare shall be transmitted or reflected in a concentration or intensity that is detrimental or harmful to persons, or that interferes with the use of surrounding properties or streets.
- D. *Light sources to be shielded.*
 - 1. Ground illuminated lights and elevated feature illumination.
- E. *Height of light fixtures.* Free-standing outdoor lighting fixtures shall not exceed the height of the tallest building on the site.

Staff Response: The proposed project is conditioned to meet this standard. At the time of construction permit application, the applicant shall provide details on any proposed exterior lighting, if applicable.

Section 22.10.090(C) – Height Limits

The maximum height for new structures on Residential Suburban land use category is 35 feet, except where other height limits are established by planning area standards of Chapter 22.09 (Community Planning Standards).

Staff Response: The proposed remodel complies with this standard. The proposed secondary dwelling is a single level structure not exceeding 35 feet in height.

Section 22.10.130(A)(2) - Residential Density

In land use categories where Section 22.06.030 (Allowable Land Uses and Permit Requirements) identifies single-family dwellings or mobile homes as permitted or conditional uses, the number of dwellings allowed on a single lot is as follows:

2. *Residential land use categories:* One for each legal parcel, except as follows:
d. *Secondary dwellings.* A secondary dwelling may be established in addition to the unit authorized by this Section, if allowed by Section 22.30.470 (Residential - Secondary Dwellings).

Staff Response: The property is within the Residential Suburban land use category, which allows for one single family dwelling and one secondary dwelling. The property is one legal parcel and contains a single family residence and detached garage which is proposed for conversion to a secondary dwelling. Therefore, the proposed project complies with this standard.

Section 22.30.470 - Residential Secondary Dwellings

A second permanent dwelling may be allowed in addition to the first dwelling on a site, provided the site and the existing primary dwelling comply with all other applicable provisions of this Title.

The following describes the project's compliance with applicable with subsections:

B. Limitations on use.

1. *Accessory unit only.* A secondary dwelling shall be accessory to a primary dwelling and shall not be established on any site containing a guesthouse (Section 22.30.410) or more than one dwelling unit, except where a guesthouse is proposed to be converted to a secondary unit in compliance with this Section.

Staff Response: The project complies with this standard. The existing building is a garage and office and there is no other dwelling unit or guesthouse except the single family residence currently located on the site. The proposed secondary dwelling will be accessory to the primary dwelling.

2. *Occupancy of primary and secondary units restricted.* No secondary dwelling shall be approved in compliance with this Section unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final building inspection, the applicant for a second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the County in compliance with Chapter 22.10.

Staff Response: The project is conditioned to comply with this standard. The applicant (owners of the site) is occupying the existing single family residence as their primary residence and will continue to reside at their primary residence after the completion of the secondary dwelling.

E. Minimum site area. A secondary dwelling may be allowed only on sites with the following minimum areas:

2. One acre (net) where on-site water supply and sewage disposal systems are proposed on an existing parcel, provided that all applicable requirements for separation between the existing septic system, new septic system for the secondary dwelling and any on-site and off-site water wells are satisfied, as well as all other applicable provisions of Title 19 of this Code for septic system design and performance.

Staff Response: The project complies with this standard. The property is approximately 1.24 acres with on-site water supply and two existing sewage disposal systems. The proposed secondary dwelling will be subject to all applicable provisions of Title 19 (Building Code) for septic system design and performance, which includes adequate separation between the existing and proposed septic system for the secondary dwelling

unit. The proposed secondary dwelling has an existing and separate septic system directly south of the structure.

F. Design Standards.

1. The following apply to all land use categories where secondary dwellings are allowed.

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 1 acre	800 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip seal(3)	50 feet
> 2 acres	1,200 square feet	Chip seal(3)	250 feet

Staff Response: The project seeks modification to the maximum distance (50 feet) secondary dwellings are allowed from the primary unit, as shown highlighted above. The project is utilizing an existing structure that is located onsite, which is approximately 110 feet away from the main house. The existing garage is approximately 814 square feet. The applicant is proposing to convert the existing garage to a secondary dwelling, which will have a lesser impact than building a new structure on the site. The dimensions of the existing garage are 37'x22', creating a gross area of 814 square feet. The net area of useable space is approximately 800 square feet, which is allowed under the Residential Suburban land use category. Conversion of the existing garage into the secondary dwelling will negate the need for extensive site disturbance and additional construction to the property.

2. **Driveways:** The driveways serving the primary and secondary dwelling shall be combined where possible.

Staff Response: The project complies with this standard. The existing driveway serves both the existing primary dwelling and proposed secondary dwelling.

3. **Within urban and village reserve lines:**
 - a. The secondary dwelling shall employ a design style compatible with the primary dwelling.
 - b. No more than 50 percent of the site shall be covered by structures.

Staff Response: The project complies with this standard. The secondary dwelling unit will employ similar designs and materials to the primary dwelling. The site is 55,080 square feet and the structures will occupy 2,890 square feet of the site, which is allowable within the urban and village reserve line.

4. **Exceptions to design standards.** The maximum distance from the primary unit may be modified only where the Review Authority first finds the following:
 - a. Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:
 - i. Existing improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.
 - ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.

- iii. Significant topographic features (steep slopes, ridgelines, bluffs), water courses, wetlands, lakes or ponds, or rocky outcrops.
- iv. Archeological resources

Staff Response: The project complies with this standard. The existing residence contains significant vegetation, such as native, mature trees within close proximity to the building. Power lines, a utility easement, and an existing driveway also surround the structure. Due to the configuration of the existing garage and office, locating the secondary dwelling within the maximum allowable 50 feet will require additional site disturbance, tree removal, and a building location underneath power lines. The project proposes to convert an existing garage/office building to a secondary dwelling, with an existing driveway, approximately 110 feet away from the main house and will not involve new site disturbance or tree removal.

5. **Parking.** A secondary dwelling shall be provided one off-street parking space per bedroom to a maximum of two spaces, in addition to those required for the primary residence per Chapter 22.18 (Required Parking Spaces - Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18.

Staff Response: The proposed project complies with this standard because it is located on a 1.24 acre site with adequate space for on-site parking.

COMMUNITY ADVISORY COUNCIL

This project was referred to the South County Advisory Council (SCAC) and the council supported the project on July 13, 2015.

AGENCY REVIEW

- Public Works- *The project appears to not meet the applicability criteria for a Stormwater Management (It creates or replaces less than 2500 square feet of impervious area). Therefore, no Stormwater Control is required (Tim Tomlinson; June 12, 2015)*
- Building Division – *Project shall comply with applicable building codes. See attached referral response (Mike Stoker; June 16, 2015)*
- Cal Fire –*The project is required to comply with all fire safety rules and regulations including the California Fire Code and the Public Resources Code. Cal Fire supports the request for a distance waiver (June 22, 2015)*
- Nipomo Community Services District – *Verification of Water Service letter was issued for the remodel of the secondary dwelling (May 20, 2015)*

LEGAL LOT STATUS

The one existing lot was legally created by a recorded map, Tract 1702, Lot 5 (Book 15 of Maps, Page 98) at a time when that was a legal method of creating lots.

Staff report prepared by Jacqueline Protsman and reviewed by Schani Siong and Airlin Singewald, Senior Planner.